

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-35195 - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/vq vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Submit an Encroachment Agreement for all landscaping and private improvements, if any, in the Gragson Avenue public right-of-way adjacent to this site prior to occupancy of this site.
2. Sign and record a Covenant Running with Land agreement for the possible future installation of sidewalk on Gragson Avenue waived or deferred by this action adjacent to this site prior to occupancy of this site.
3. Approval and conformance to the conditions for Vacation (VAC-35193), if approved.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 08/03/09, except as amended by conditions herein.
6. The applicant shall obtain all required building permits and final inspections for all buildings/structures on the subject site, prior to occupancy of the structures.
7. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a six-foot landscape buffer where 15 feet is required adjacent to Gragson Avenue and a zero-foot landscape buffer along the west property line and a zero-foot buffer along a portion of the east property line where eight feet is required along the west and east property lines.
8. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a zero-foot sidewalk where five feet is required adjacent to Gragson Avenue.
9. An Exception from Title 19.10 Landscape and Buffer Standards is hereby approved, to allow zero parking lot fingers where 23 are required.
10. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow 39 overall trees where 75 are required.

11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
12. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
13. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
17. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

19. A Petition of Vacation such as (VAC-35193) shall be recorded prior to the issuance of any permits overlying or abutting the proposed vacated area.
20. Remove all substandard public street improvements and unused driveway cuts on Searles Avenue adjacent to this site concurrent with development, if any, and replace with new improvements meeting current City Standards.

21. Construct half-street improvements including appropriate overpaving on Gragson Avenue adjacent to this site concurrent with development of this site other than Tenant Improvements for Building A or Building B. All existing paving damaged or removed by this development shall be restored to its original location and to its original width concurrent with development of this site.
22. Prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first, for any construction other than Tenant Improvements for Building A or Building B, meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations, drainage patterns, and required flood protection for this site, and comply with the recommendations of the Flood Control Section. Alternatively, a Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, whichever may occur first, other than Tenant Improvements for Building A or Building B.
23. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an 8,800 square-foot Taxicab/Limo Yard with ancillary vehicle service and auto repair within 5,800 square feet of existing buildings and 3,000 square feet of a proposed building. The largest building will be utilized as offices, while the accessory structures will be used for auto repair, paint and mixing booths and storage. The Taxicab/Limo Yard will operate from 9:00 a.m. to 5:00 p.m., Monday through Friday. There are no building permits for Buildings "A" and "B", which were built circa the 1960's. Buildings "D" were both built without permits. The applicant fails to comply with minimum landscape and sidewalk width requirements, which are requested as Waivers. In the site's current configuration staff cannot support the application as proposed. If denied, the subject site would contain several illegally constructed buildings, which contain no building permits. The indicated deviations from standards will result in a development that is not compatible or harmonious with adjacent development. An alternate design and adherence to minimum landscape requirements would facilitate the elimination of Waivers, which would create a development that would be appropriate for this area of the City; therefore staff is recommending denial of the subject application.

ISSUES:

- Approval of the related Vacation (VAC-35193) is required for approval of the subject Site Development Plan Review.
- No building permits exist on all existing structure, screening device and/or barbed wire.
- Waivers of minimum sidewalk width and landscaping requirements are requested.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of the request.
08/07/08	A deed was recorded for a change of ownership at 1500 Searles Avenue.
06/18/09	A Code Enforcement citation (#79197) was issued for electrical, plumbing and concrete work being done without a permit at 1500 Searles Avenue. Code Enforcement has not closed the case.
09/10/09	The Planning Commission recommended approval of companion item VAC-35193 concurrently with this application. The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #20/bts).

<i>Related Building Permits/Business Licenses</i>	
03/02/93	A Business License (#D01-00001) was issued for a dairy at 1500 Searles Avenue. The license was reclassified to (#G03-01846) on 06/03/98. The license was marked out of business on 10/18/07.
09/17/97	A Building Permit (#97019201) was issued to replace a riser at 1500 Searles Avenue. The permit expired on 03/21/98.
03/05/02	A Building Permit (#2003896) was issued for a repair to a sewer line at 1500 Searles Avenue. The permit was finalized on 03/06/02.
05/29/08	A Business License (#I02-00081) was issued for an ice cream parlor at 1500 Searles Avenue. The license was reclassified from (#D01-00015) on 02/19/88. The license was marked out of business on 06/01/09.
<i>Pre-Application Meeting</i>	
07/10/09	<p>A pre-application meeting was held on the indicated date. The following items were discussed:</p> <ul style="list-style-type: none"> • Concerns about existing buildings and proper permits. • Existing barbed wire/chain-link fencing around the site. • Existing storage containers on the subject site. • Intended use and hours of operation.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required nor was one held.	

<i>Field Check</i>	
07/23/09	<p>A field check was completed on the indicated date. The following items were observed by Planning and Development staff.</p> <ul style="list-style-type: none"> • Four buildings are located on subject site, but no permits exist on the subject buildings • Several storage containers exist on the subject site, but no permits exist for the storage containers • An eight-foot wall, chain-link and razor wire exists on portions of the subject site. None of the screening devices contain permits.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Building	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
North	Valley Broadcasting	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Jim Rogers Car Collection	C (Commercial)	C-1 (Limited Commercial)

East	Housing Authority	ML (Medium Low Density Residential)	R-3 (Medium Density Residential)
West	Valley Broadcasting and Landscape Company	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

EXISTING AND PROPOSED BUILDING/STRUCTURES

	Building 'A'	Building 'B'	Building 'C'	Building 'D'	Buildings 'E'
Quantity	1	1	1	2	4
Use	Office	Storage	Repair Garage	Paint Spray and Mixing	Shipping Containers
Existing or Proposed	Existing	Existing	Proposed	Existing	Existing
Building Permits	None	None	None	None	None
Square-Footage	4,400	1,100	3,000 enclosed 3,000 covered	300	320 per containers: total 1,280 SF
Height	14 Feet	12 Feet	30 Feet	10 Feet	10 Feet
Setbacks	Front: 277 ft Side: 36.09 ft Side: 44.09 ft Rear: 136 ft	Front: 15 ft Side: 8 ft Side: 50 ft Rear: 8 ft			8 Feet minimum setback

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards, the following standards apply

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	163 Feet	Y
Min. Setbacks (Building "A")			
• Front (north property line)	10 Feet	277.8 Feet	Y
• Side (west property line)	10 Feet	36.9 Feet	Y
• Side (east property line)	10 Feet	44.9 Feet	Y
• Rear (south property line)	20 Feet	136.1 Feet	Y
Min. Setbacks (Accessory Structures)			
• Front (north property line)	10 Feet	15 Feet	Y
• Side (west property line)	8 Feet	8 Feet	Y
• Side (east property line)	8 Feet	50 Feet	Y
• Rear (south property line)	8 Feet	8 Feet	Y
Max. Lot Coverage	N/A	8.5%	Y
Max. Building Height (Building "A")	N/A	16 Feet	Y
Max. Building Height (Accessory Buildings)	N/A	30 Feet	Y
Trash Enclosure	Screened	As Conditioned	As Conditioned
Mech. Equipment	Screened	As Conditioned	As Conditioned

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	23 Trees	Zero Trees	N
Buffer:				
Min. Trees				
North property line	1 Tree/20 Linear Feet	9 Trees	10 Trees	Y
South property line	1 Tree/20 Linear Feet	9 Trees	8 Trees	N
West property line	1 Tree/30 Linear Feet	17 Trees	Zero Trees	N
East property line	1 Tree/30 Linear Feet	17 Trees	21 Trees	Y
TOTAL		75 Trees	39 Trees	N
Min. Zone Width				
North property line	15 Feet		15 Feet	Y
South property line	15 Feet		6 Feet	N
West property line	8 Feet		Zero Feet	N
East property line	8 Feet		Zero Feet	N
Wall Height	8 Feet		8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Taxicab/Limo Yard	66 Employees 67 Taxis	N/A	129	4	129	4	Y
TOTAL (including handicap)	133		133		133		Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
15-foot landscape buffer along the north and south property lines and an eight-foot landscape buffer along the west and east property lines	Six-foot buffer along the south property line, zero-foot buffer along the west property line, and a zero-foot buffer along a portion of the east property line	Denial
Five-foot sidewalk adjacent to right-of-way (Gragson Avenue and Searles Avenue)	Zero-foot sidewalk adjacent to Gragson Avenue only	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
One tree shall be planted for every six uncovered parking spaces.	To allow zero trees where 23 trees are required	Denial
75 total perimeter trees are required in the landscape buffers	To allow 39 trees in the perimeter landscape buffers	Denial

ANALYSIS

- **Design Alternatives**

A reduction in the number of cabs and employees would eliminate the need for the large number of parking spaces. Fewer parking spaces would allow the applicant to better design the overall site, which would eliminate the need for Waivers of Perimeter Landscaping requirements and the required sidewalk adjacent to the southern property line.

- **Site Plan**

The applicant is proposing an 8,800 square-foot Taxicab/Limo Yard with ancillary vehicle service and Auto Repair within 5,800 square feet of existing buildings and 3,000 square feet of a proposed building. There are a total of four existing structures and two proposed buildings. There are also a total of four existing storage containers on the subject site. Each storage container is 320 square feet. The four storage containers total 1,280 square feet. None of the existing buildings or storage containers has proper building permits.

The site is surrounded by a combination of chain-link, block walls and barbed wire fencing. The applicant indicates that they will be constructing two new walls along the north and south property lines. The east and west property lines will remain in their current condition, which includes the combination of block wall, chain-link fencing and barbed wire. Pursuant to Title 19.12.075 Fences, Walls and Architectural, the indicated barbed wire is prohibited unless otherwise approved as a part of an overall development plan. The site plan indicates that barbed wire will only be utilized on the west and east property lines.

- **Parking and Site Access**

Pursuant to Title 19.04 Permissible Use, the parking requirement for a Taxicab/Limo Yard is one space for each employee on the largest shift, plus one space per taxi or limo when the facility is at maximum capacity. The applicant indicates that there will be 66 employees for the largest shift and 67 taxis when the facility is at maximum capacity. The subject site contains 133 parking spaces with five handicapped spaces, thereby complying with the proposed Taxicab/Limo Yard use. Primary access to the site is provided from access is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

- **Waivers and Exceptions**

The applicant has requested two Waivers and two Exceptions as a part of the subject application. The first Waiver is from Title 19.12.040 Perimeter Landscape Buffering for deviations for buffer widths on the east, west and south property lines. The second Waiver is from Title 19.12.040 Perimeter Landscape Buffer deviations of sidewalk width on the south property line. The first Exception is to allow no parking fingers where one is required for every six parking spaces. The second Exception is to allow 39 trees in the perimeter landscaping where 75 are required. The requested Waivers and Exceptions are not appropriate and could be mitigated through a better overall design.

- **Landscape Plan**

The landscape plan indicates the following; 24-inch box Honey Locust, Shoestring Acacia, Purple Robe Locust and Mediterranean Fan Palm. The landscape plan fails to conform to all Perimeter Landscape Buffer Requirements with the exception of the north property line buffer. The landscape plan also fails to meet all parking lot landscaping and seeks a reduction in the overall required tree count.

- **Elevations and Floor Plans**

The existing and proposed building elevations depict structures, which range in height from eight to 30 feet in height. The smallest buildings are the storage containers at eight feet in height, which are existing on-site. The tallest structure is the proposed auto repair facility. The buildings are either stucco or metal siding buildings, which is typical for these types of tenants. The submitted floor plans are typical for the intended Taxicab/Limo Yard use.

FINDINGS

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent residential, commercial and industrial development in the area. The number of requested landscape Waivers, lack of sidewalks and use of barbed wire; all demonstrate the incompatible nature of the proposed development.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is inconsistent with both, Title 19.08 Parking, Loading and Traffic Standards and Title 19.12 Landscape and Buffer Standards. This is seen in the number of Waivers and Exceptions, which are requested as a part of the subject application. These deviations highlight the incompatibility with adjacent developments. The proposed development is both undesirable and obnoxious with regard to its overall design and adherence to minimum requirements.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Adequate site access is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is requesting a number of Waivers and Exceptions of Title 19.10 and 19.12. The provided landscape materials are lacking in their overall width and quantity. None of the existing buildings have proper building permits, which is not appropriate for this or any area of the City.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The buildings fail to create an orderly and aesthetically pleasing environment. The non-permitted structures and overall lack of landscaping is not compatible with adjacent commercial and residential developments in the area. Inadequate mitigation measures have been taken to create an aesthetically pleasing environment.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The subject site contains several buildings and structures, which have no proper building permits. The applicant has not taken appropriate action to protect the public health, safety and general welfare.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2, and amended conditions 10, 21 and 22 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT

6

SENATE DISTRICT 4

NOTICES MAILED 75 by City Clerk

APPROVALS 0

PROTESTS 0